UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,196	03/10/2004	Thomas Fischer	Q78677	2445

23373   7590   10/18/2007
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER
GAMI, TEJAL

ART UNIT	PAPER NUMBER
2121	

MAIL DATE	DELIVERY MODE
10/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>02 August 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This office action is responsive to an AMENDMENT entered July 30, 2007 for the

patent application 10/796196.

Status of Claims

2.   Claims 1-11 were rejected in the last Office Action dated March 29, 2007.

    As a response to the March 29, 2007 office action, Applicant has Amended

claims 1 and 6; and Added claims 12 and 13.

    Claims 1-13 are now pending in this office action.

Claim Rejections - 35 USC § 112

3.   Examiner thanks Applicant for amending the claims in response to the 112

second paragraph rejections of the previous office action. Those rejections have been

withdrawn.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5.   Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Adams

et al. (WO 200060842 English Equivalent U.S. Patent Number: 6,803,854).

        As to independent claim 1, Adams discloses a method for automatically

configuring a technology module (Fig. 2) (see Col. 4, Lines 12-14), for representing and

controlling a technical process system that is connected to a computer user station via

at least one interface for transferring data (see Col. 4, Lines 27-67), comprising:

        a user specifying type of at least one process element of the process system and

the start address of a memory module associated with the process element (see Col.

10, Lines 37-46); and

        automatically completing the technology module by allocating at least one of a

signaling element, an archive data element and a picture element to the process

element (e.g., signaling apparatus) (see Abstract), wherein the technology module and

the at least one signaling element, archive data element or picture element are stored

as a logically connected unit (see Col. 9, Lines 20-34); and

        wherein the logically connected unit is centrally processed and managed (see

Col. 9, Lines 20-34).

        As to dependent claim 2, Adams teaches the method as claimed in claim 1,

wherein the data comprises at least one of process data, state data, open-loop data,

and closed-loop control data (see Col. 5, Lines 52-67).

        As to dependent claim 3, Adams teaches the method as claimed in claim 1,

wherein a plurality of types of process elements are stored in a library (see Col. 6, Lines

1-5).

As to dependent claim 4, Adams teaches the method as claimed in claim 3, wherein the library is provided in the computer user station (see Col. 5, Line 56 to Col. 6, Line 5).

As to dependent claim 5, Adams teaches the method as claimed in claim 1, wherein the at least one signaling element, archive data element or picture element is assigned respectively to individual types of process elements (see Col. 5, Line 56 to Col. 6, Line 5).

As to dependent claim 6, Adams teaches the method as claimed in claim 5, wherein the at least one signaling element, archive data element and picture element is assigned to a group of types of process elements (see Col. 5, Line 56 to Col. 6, Line 5).

As to dependent claim 7, Adams teaches the method as claimed in claim 5, further comprising modifying the allocation of the signaling element, archive data element or picture element to the individual types of process elements (see Col. 5, Line 56 to Col. 6, Line 5).

As to dependent claim 8, Adams teaches the method as claimed in claim 6, further comprising modifying the allocation of the signaling element, archive data element or picture element to the group of types of process elements (see Col. 5, Line 56 to Col. 6, Line 5).

As to dependent claim 9, Adams teaches the method as claimed in claim 1, wherein the signaling element is configured to detect object-specific signals of the process element in the computer user station (see Col. 5, Line 56 to Col. 6, Line 5).

   As to dependent claim 10, Adams teaches the method as claimed in claim 1,
wherein the archive data element is configured to archive at least one of state data or
process data of the process element in the computer user station (see Col. 5, Line 56 to
Col. 6, Line 5).

   As to dependent claim 11, Adams teaches the method as claimed in claim 1,
wherein the picture element is configured to display at least one of object-specific
signals, state variables or process variables of the process element on the user
interface of the computer user station (see Col. 4, Lines 63-67; and Col. 5, Line 56 to
Col. 6, Line 5).

   As to dependent claim 12, Adams teaches the method as claimed in Claim 1,
wherein said assigning and said automatic completing are during configuration of the
technology module (e.g., switchable paths) (see Col. 6, Lines 6-10).

   As to dependent claim 13, Adams teaches the method as claimed in Claim 12,
wherein during said automatic completing (e.g., carries out all the tasks that run
automatically) (see Col. 9, Lines 1-8), a technology module is generated to correspond
to the at least one process element specified by the user (e.g., switchable paths) (see
Col. 6, Lines 6-10) and wherein, for the generated technology module, at least one of
the signaling element, the archiving element, and the picture element is automatically
created and allocated (e.g., switchable paths) (see Col. 6, Lines 6-10).

Response to Arguments

6.   Applicant's amendment and arguments filed July 30, 2007 have been fully

considered. The amendment does not overcome the original art rejection and the

arguments are not persuasive. The following are the Examiner's observations in regard

thereto.

Applicant Argues:

Adams does not disclose a user specifying both type of the controller and start address of the memory
module associated with the controller. In other words, in Adams, one technique for selecting a controller
is used and both, the type and the start address of the controller are not specified. In addition, in Adams,
the user selects a controller and not type of the controller.

Examiner Responds:

Examiner is not persuaded. In the context of claim 1, "type" is a broad term defined as

a number of controllers having in common traits or characteristics that distinguish them

as a group or class. See Col. 5, Lines 66-67 where information is transmitted specific to

the type of controller (e.g., vehicle-specific basis or fleet-specific basis). Adams teaches

various ways to address the controller, such as, subscriber number and controller ID.

Examiner agrees that according to Adams, specifying a controller ID and type is not the

easiest way to select a controller. Nonetheless, see Col. 3, Lines 12-19 and Col. 10,

Lines 8-10 where Adams teaches a stored controller identifier (e.g., start address).

Under such considerations, the claims as written are taught by the prior art.

Applicant Argues:

Adams discloses selecting a physical address of the controller (MC) and not address of a memory module
associated with the controller. In other words, in Adams, the user may select the address of the controller
and not the address of its memory module.

Examiner Responds:

Examiner is not persuaded. See Col. 3, Lines 12-19 and Col. 6, Lines 65-66 where

Adams teaches a stored controller identifier (e.g., memory module). Under such

considerations, the prior art teaches the claims as written.

Applicant Argues:

Adams does not disclose creating the controller by allocating these functional blocks. Adams discloses an existing controller with existing functional blocks. Adams does not disclose or suggest creating or automatically completing the controller by allocating various functional blocks. In Adams, for example, the functional blocks may be preprogrammed by the user. In any event, Adams only discloses having a controller with existing functional blocks.

Examiner Responds:

Examiner is not persuaded. See Col. 10, Lines 8-10 where Adams teaches creating a

controller with a unique identifier and Col. 9, Lines 1-8 where Adams teaches automatic

completing (e.g., carries out all the tasks that run automatically). Under such

considerations, the claims as written are taught by the prior art.

Applicant Argues:

There is no disclosure or suggestion of modifying the functional blocks (alleged signaling element, archive data element, or picture element) to a particular type of controller (alleged types of process elements). For at least these additional exemplary reasons, claim 7 is patentably distinguishable from Adams.

Examiner Responds:

Examiner is not persuaded. Adams teaches "modifying the allocation" at Col. 5, Lines

65-67 where information is transmitted on a specific basis. Under such considerations,

the prior art teaches modifying the allocation.

Conclusion

7.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Nixon et al. (U.S. Patent Number 7,003,558) teaches process control system for

versatile control of multiple process devices of various device types.

8.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

9.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Tejal J. Gami whose telephone number is (571) 270-

1035. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David Vincent can be reached on (571) 272-3080. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

David Vincent /9/4/07
Supervisory Patent Examiner
Tech Center 2100

TJG
TJG